



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
805 Frontage Road
Suite 200C
Kenai, Alaska 99611-7755

PUBLIC NOTICE DATE: April 11, 2006
EXPIRATION DATE: May 12, 2006
REFERENCE NUMBER: POA-2005-1795-4
WATERWAY: Anchor River

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Mr. Duane A. Halverson, P.O. Box 2220, Homer, AK 99603; (907) 235-1001

LOCATION: Misty Ridge Subdivision, within the NW $\frac{1}{4}$ Section 3, T. 6 S., R. 14 W., Seward Meridian, near Homer, Alaska; Kenai Peninsula Borough parcel number 173-034-06; and, Latitude 59.6864°N, 151.6512°W; USGS Topo Map Seldovia C-5 NE

WORK: The proposed work would involve the discharge of approximately 50,000 cubic yards (cy) of peat and clay into 19 acres of wetlands for the construction of two wildlife ponds and an access road to a spring. The proposed project would involve the excavation of 50,000 cubic yards of peat and clay material from approximately 624,000 square feet of wetlands (14.34 acre) to construct two ponds measuring a total of 250' wide X 2,500' long (14.34 acre) and the sidecasting of approximately 46,167 cy of clay material and peat into 160,000 square feet of wetlands (3.65 acre) adjacent to the ponds to create a dam embankment. In addition, the applicant also proposes to place approximately 3,333 cy of clay material into 46,800 square feet (1.074 acre) of wetland to construct a road.

PURPOSE: The purpose of the proposed project is to conduct wildlife enhancement within wetlands and to provide access to an existing spring site.

ADDITIONAL INFORMATION: The proposed project is located on a 128 acre parcel of land, over half of which consists of wetlands. The wetlands on the site contain an unnamed tributary to the Anchor River. This tributary is not a catalogued anadromous fish stream by the Alaska Department of Fish and Game (ADF&G), although the unnamed tributary connects to a catalogued anadromous fish stream.

The proposed pond construction project is being partially funded by the Natural Resources Conservation Services (NRCS) through a Wildlife Habitat Development Plan. According to the application, the proposed ponds would provide shallow water areas on the property and would be designed and maintained in order to provide maximum brooding, nesting and rearing habitat for ducks, geese, and a stop over site for sand hill cranes.

The proposed road site would be constructed within wetlands along a previously disturbed old logging road on the site. This site has already been cleared and a portion of the road has been constructed.

In addition to the proposed work, the applicant is also proposing to place all additional excavated material adjacent to a previously constructed pond within wetlands. All material will be placed on top of the previously created embankment of the pond and no material will be placed within the pond or adjacent wetlands. Therefore, this portion of the project does not require a DA permit and is not included in the proposed work.

The applicant's agent is Mr. Brian Kelly, P.O. Box 15195, Fritz Creek, Alaska 99603; (907) 299-1974

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: The project is located within the Anchor River Fritz Creek Critical Habitat Area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

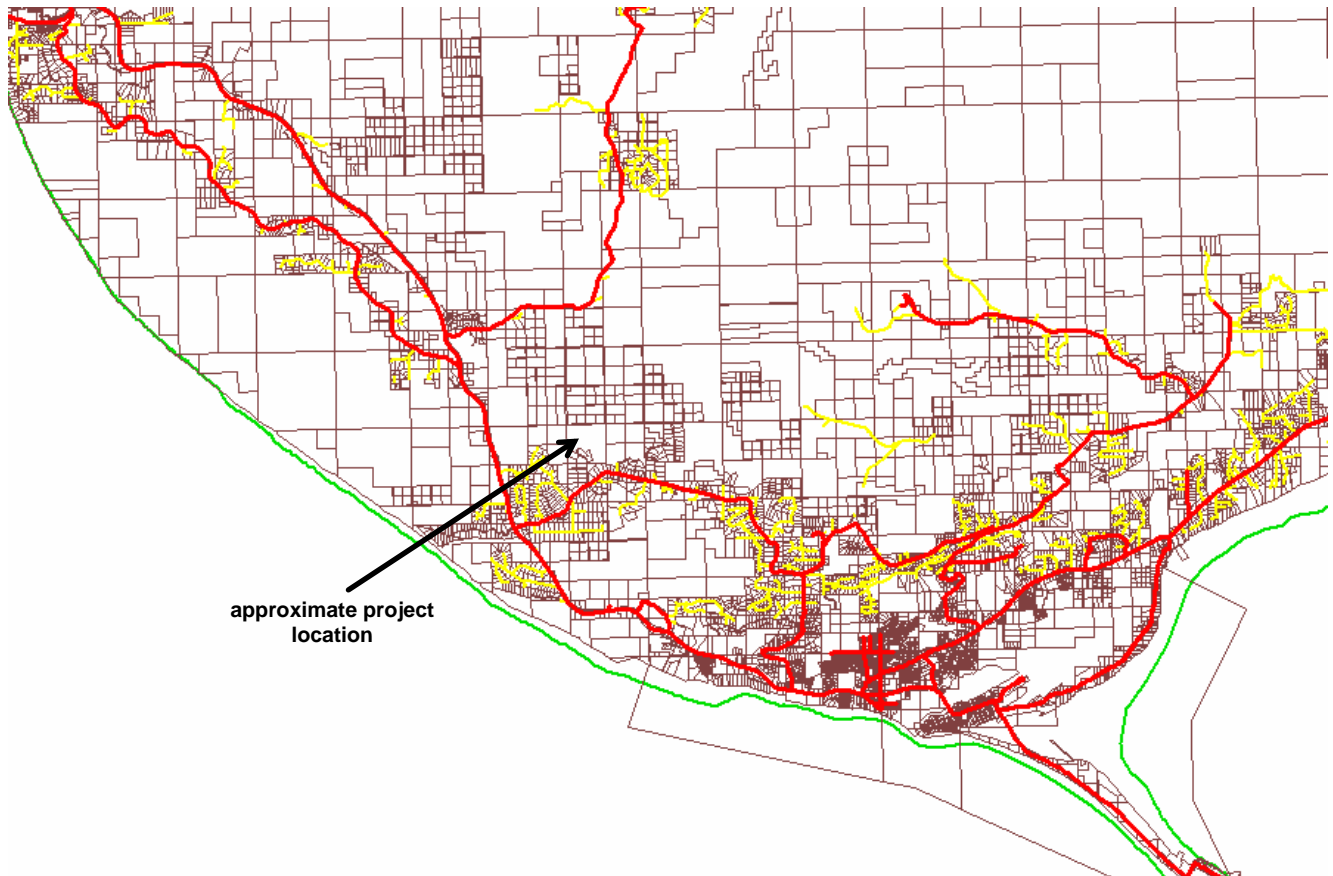
Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Lisa M. Gibson at (907) 283-3519, if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.




Vicinity Map

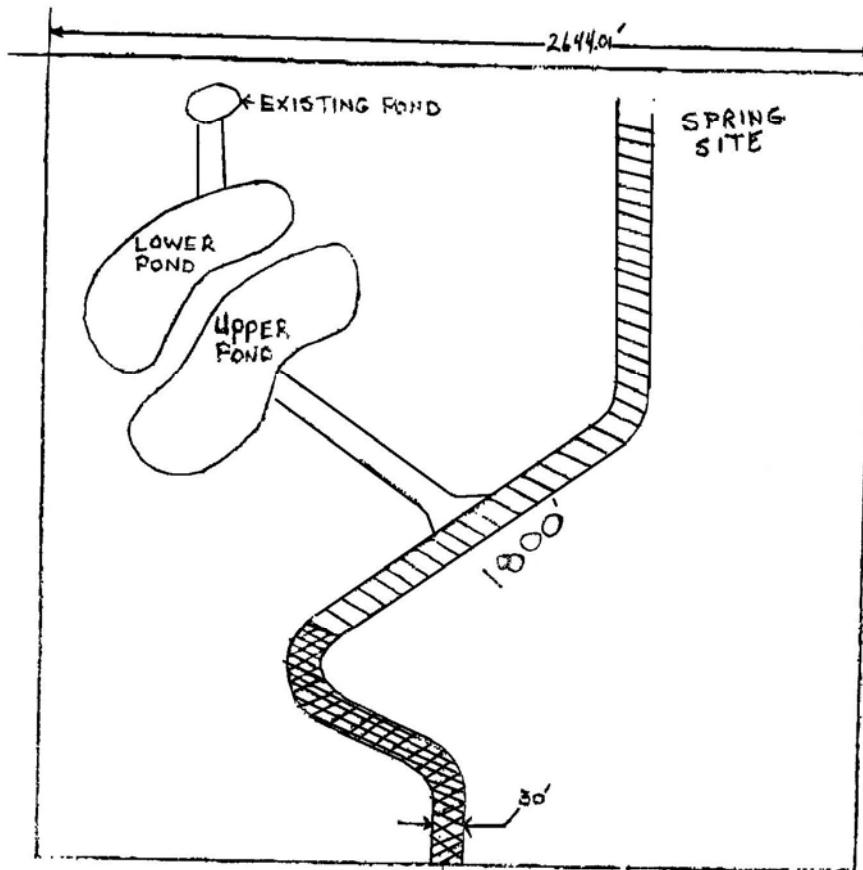


**POA-2005-1795-4,
Anchor River**

Sheet 1 of 5

Plan View

-  EXISTING ROAD
-  PROPOSED SPRING SITE ROAD
-  ICE ROAD



POA-2005-1795-4,
Anchor River

Sheet 2 of 5

NAME: DUANE HALVERSON

LOCATION: misty Ridge

WATERWAY: DIAMOND
CREEK

COE#: 2005-1795

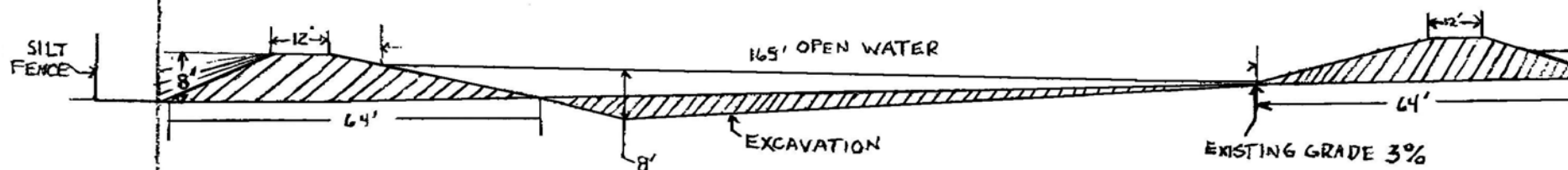
DATE: 12-2-2005

SHEET 1 OF 5

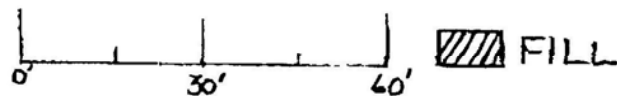


NAME: DUANE HALVERSON
 LOCATION: MISTY RIDGE
 WATERWAY: DIAMOND CREEK
 COD # 2005-1795
 DATE 12-2-2005
 SHEET 2 of 5

Typical Pond Cross-Section

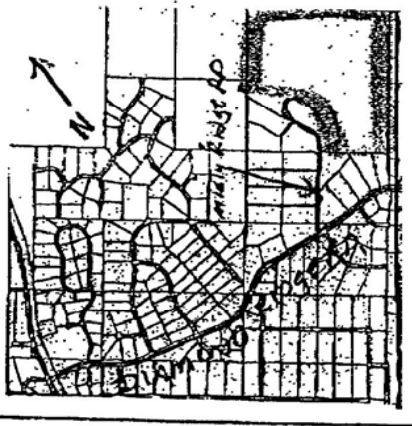


1" = 30'



POA-2005-1795-4
 Anchor River

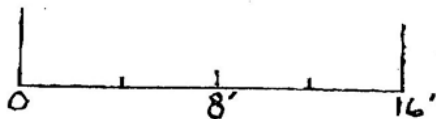
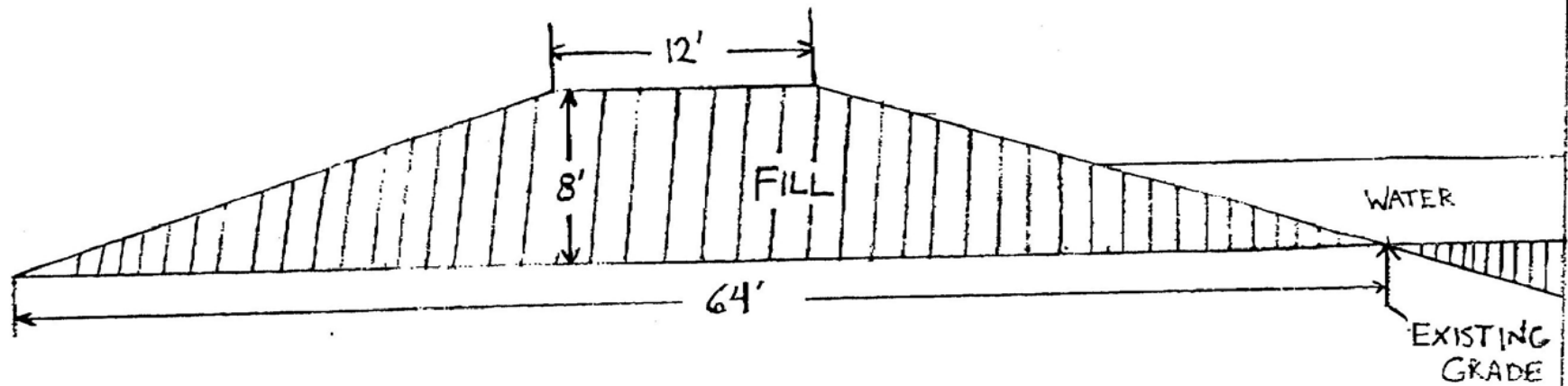
Sheet 3 of 5



NOTES:

AVERAGE GROUND SLOPE 3%
 EMBANKMENT HEIGHT 8' ABOVE
 EMBANKMENT TOP WIDTH 12' GRADE
 SIDESLOPES 4-1 BOTH SIDES
 MAXIMUM WATER DEPTH 6'
 EXCAVATED SLOPE 20-1

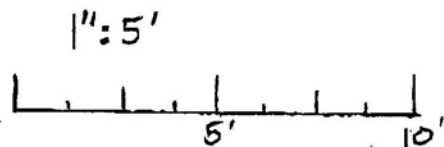
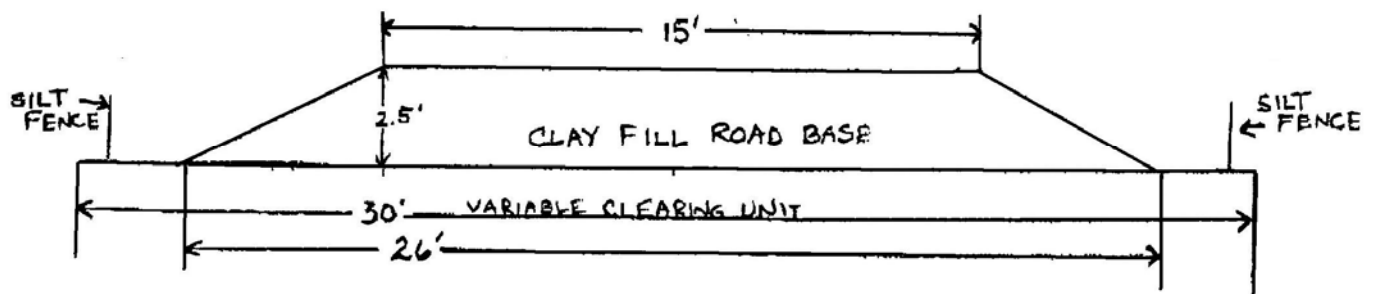
NAME: DUANE HALVERSON
 LOCATION: Misty Ridge
 WATERWAY: Diamond Creek
 CCE#: 2005-1795
 DATE: 12-2-2005
 SHEET 3 of 5



POA-2005-1795-4
Anchor River

Sheet 4 of 5

Typical Road Cross-Section



**POA-2005-1795-4,
Anchor River**

Sheet 5 of 5

NAME: DUANE HALVERSON
LOCATION: MISTY RIDGE
WATERWAY: DIAMOND CR.
COE# 2005 1795
DATE: 12-2-2005
SHEET 4 of 5

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2005-1795-O, Unnamed Tributary to Anchor River, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
555 Cordova Street
Anchorage, Alaska 99501-2617
Telephone: (907) 269-7564
FAX: (907) 269-7508

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

ALASKA COASTAL ZONE MANAGEMENT
550 WEST 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501-3568

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No.

POA-2005-1795-O, Unnamed Tributary to Anchor River, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.